

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date set forth below as First Class Mail in an envelope addressed to: Commissioner for Patents, P O Box 1450, Alexandria, VA 22313-1450.

Date of Signature and Deposit: 2/9, 2004

  
Sara D. Vinarov

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Dean DellaPenna  
David K. Shintani

Date: 2/9, 2004

Serial No.: 10/674,767

Group Art Unit:

Filed: 09/30/2003

Examiner:

For: TRANSGENIC PLANTS WITH  
TOCOPHEROL METHYLTRANSFERASE

Docket No.: 920905.90024

RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR  
PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE  
AND/OR AMINO ACID SEQUENCE DISCLOSURES UNDER 37 C.F.R. 1.821(e)

Commissioner for Patents  
Customer Service Center  
Initial patent Examination Division  
P O Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In a Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed on January 26, 2004 in the above-identified application, the applicants are notified that a computer readable form of the sequence listing was not submitted to the US Patent and Trademark Office. The applicants are invited to submit a computer readable form of the sequence listing and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written sequence listing.

In response, applicants submit that a paper copy of the "Sequence Listing" was submitted on September 30, 2003 with the filing of the present application. The present application is a continuation of Application Number 09/118,637, filed July 17, 1998. Applicants submit that the paper copy of the "Sequence Listing" submitted on September 30,

2003 in the present continuation application is identical in content to the computer readable form submitted on October 2, 1998 in the parent application (copy enclosed herewith) and currently on file with the United States Patent and Trademark Office. Applicants note that the computer readable form submitted on October 2, 1998 in the parent application was compliant with all of the requirements under 37 C.F.R. 1.821(e). No new matter has been added by this submission. Therefore, in lieu of filing a duplicate computer readable form in the present application, applicants request the use of the compliant computer readable "Sequence Listing" that is already on file for the parent application identified above.

No fee is believed to be due in connection with this substitution. However, if any fee is due, please charge the fee to the Deposit Account 17-0055.

Respectfully submitted,



---

Sara D. Vinarov  
Reg. No. 48,524  
Attorney for Applicants  
QUARLES & BRADY LLP  
P.O. Box 2113  
Madison, WI 53701-2113

TEL (608) 251-5000  
FAX (608) 251-9166

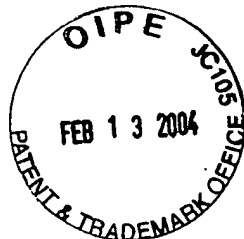


## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/674,767	09/30/2003	Dean DellaPenna	920905.90024

Nicholas J Seay  
 Quarles & Brady LLP  
 P O Box 2113  
 Madison, WI 53701-2113



CONFIRMATION NO. 5481

## FORMALITIES LETTER



\*OC000000011758992\*

Date Mailed: 01/26/2004

# NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

*Filing Date Granted*

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- **For Rules Interpretation, call (703) 308-4216**
- **To Purchase PatentIn Software, call (703) 306-2600**
- **For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov**

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents

P.O. Box 1450  
Alexandria VA 22313-1450

---

*A copy of this notice MUST be returned with the reply.*

*N. Mohammed*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE